

**COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹**

Docket No. 08-674

Appellant(s): Carl Stegerwald

vz. Appellee(s): City/Town of Devens
Gabriel J. Vellante, Jr.

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 716 and Table 716.1, for 112 Barnum Road, Devens, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on December 4, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

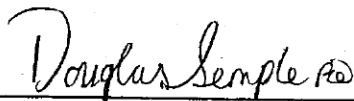
The Appellant appeared for the hearing pro se. Eric Sandoval was present as well.

Discussion

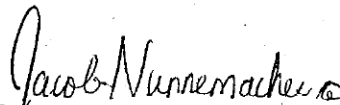
A motion was made to grant the Appellant's request for a variance from 780 CMR 716 and Table 716.1 pursuant to the design proposal for penetration through a firewall that was described in the testimony, because the design was subjected to a third party review, which indicated no objection, and due to fact that both the fire and building departments had no objection to the granting of the variance. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

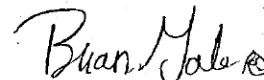
The Appellant's request for a variance from 780 CMR 716 and Table 716.1, is hereby granted and so ordered² on this date: December 4, 2008.



Douglas Semple



Jacob Nunnemacher



Brian Gale

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.